1908-016 Chancery Causes: E. S. Cassel vs. Mac Minor &
Lee Co.

Snodgrass, Owens, Gollihon, Overton 1 Plat

CA-Debt
T-Property

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County Virginia.

Humbly complaining, your orator E. S. Cassel, would respectfully represent and show unto your honor, that one Samuel Snodgrass departed this life in said county on the ____ day of _____, 1903 seized and possessed of a small tract or parcel of land lying and being in said County on the North side of Wallens Ridge, containing forty acres, more or less, and adjoining the lands of B. W. McNeil, said Cassel and Emmett Robinson. Said Samuel Snodgrass at the time of his death owned some personal preoprty sufficient to pay his indebtedness, and the said tract of land descended to his three brothers, Joseph Snodgrass, James Snodgrass and Wm. Snodgrass and their descendents. He also left at his death a widow, Mary J. Snodgrass who is entitled to dower insaid real estate. Since the death of the said decedent , your orator has purchased from the heirs of Wm. Snodgrass, deceased, to-wit; Mattie Owens, nee Snodgrass, Nelson Snodgrass, James Snodgrass, Samuel Snodgrass, Mary Snodgrass, Emmett Snodgrass, and Rebecca Collihon, nee Snodgrass, their interest, being onethird thereof, in the said tract or parcel of land, and Mac Minor has purchased from James Snodgrass a brother of the said decednet and Chas. Snodgrass, Lee Snodgrass, and Emma Overton, nee Snodgrass, heirs at law of Joseph Snodgrass, deceased, and grand children of the said Wm. Snodgrass, deceased, their interest, being two thirds of the said real estate, subject to the widow's dower therein.

The object of this suit is to have the said tract of land partitioned between your orator and the said Mac Minor, subject to the said widow's dower therein, and have dower assigned to the said Mary J. Snodgrass in said tract of land. To this end he makes the said Minor and Mary J. Snodgrass the parties defendant

to this bill, ans akks that they be required to answer the same but not under oath, that being waived, that on a hearing the relief above sought be granted your orator together with all such other, further and general relief as he may be entitled to; and that in said partition your orator's interest in said real estate 7/24 be laid off adjoining his other lands and that the interest of the said Minor 7/24 be laid off andxadjoining his other lands, all of which will be to the interest of your orator and the said Minor. And your orator will ever pray &c.

Orr & Neil. p.q.

Costs:

Clerk,	8.80
Shff.	3.70
Dep	1.50
Atty.	15.00
Comrs	8.50
	$37.56

E. S. Cassel.

vs

Bill in Chancery.

Mac Trimor et als.

1907 1st Sept. Rules-
Bill filed, Spa. ex-
ecuted & D.M.
" 2nd Sept. Rules
taken 2nd Monday-
D.M. conf'd. & Cause
set for hearing-

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

The joint and separate answers of E. S. Cassel and Mark Minor to an asnwer filed by Mary J. Snodgrass to an original bill exhibited against her and other in this honorable court by your respondent E. S. Cassel, which answer is prayed to be taken for and treated as a cross-bill. Your respondents reserving to themselves the benefit of legal exceptions that may be had in said cross-bill for its many imperfections and mis-statements of law and fact for answer thereto, or to so much thereof as they are advised it is material for them to answer, answering they say: That it is true that Samuel Snodgrass departed this life intestate at the time stated in said cross-bill, and that he was inpossession at the time of his death of the tract of land mentioned in the original bill and cross-bill, and it is likewise true that he owned at the time of his death some personal property, but it is not true that the said personal property was insufficient to pay ~~the~~ his indebtedness; that the heirs of the said Samuel Snodgrass are correctly stated, and that your respondent purchased the interest in said land mentioned and set forth in said bill and cross-bill, but it is not true that at the time your respondent Cassel purchased the interest so purchased by him in said land that he purchased the same with the understanding that he was not to have possession of said land until the death of the said Mary J. Snodgrass. Your respondent Cassal here files his deeds for his said interest with this his answer to said cross-bill as part hereof, marked Exhibot "C", and your respondent Minor here files his deed or deeds for the interest purchased by him marked Exhibit "M", and your respondents deny that there was any arrangements or agreement between the said Mary J. Snodgrass and Wm. Snodgrass that if she would take ~~here~~ property and pay off the balance of the indebtedness of her husband that she could live on the said land and hold it during the remainder of her life; and respondents

specially deny that there was any such agreement or arrangement between the said parties that was or could be binding upon them, and they deny that the said Mary J. Snodgrass paid any sum or sums of money upon the indebtedness of her deceased husband more than she was compensated for by the personal property kept by her that belonged to said estate, and they deny that said estate is indebted to her in any manner whatever, and they alledge that when she properly accounts for the personal property kept by said decedent and the rents and profits of the said tract of land for the time that she has had the use and the proceeds of the same, and which she should account for, that she would be indebted to said estate. Your respondents allege that no administrator has ever been appointed upon the estate of the said Samuel Snodgrass, and that the said Mary J. Snodgrass voluntarily took charge of said personal estate and appropriated the said property to her own use and undertook to pay the debts of said estate, which could be and was paid as far as the same has been paid, by her out of said personal effects and the same was ample to pay the full amount thereof. Your respondents again pray that dower be assigned the said Mary J. Snodgrass in said tract of land, and that the same be partitioned, subject to said dower, between your respondents according to their interests therein.

And now having answered said cross-bill as fully as they are advised it is material for them to answer they pray to be hence dismissed with their costs.

E. S. Cassel to
Lud &c

IN CIRCUIT COURT.

E. S. Cassell, Plaintiff.

vs. In Chancery

Mac. Miner, et al Defendants.

"""""""""""""""""""""""""""""""""

This cause came on to be heard upon the papers formerly read in the cause and the report and plat of M. M. Speak, W. F. Parkey, and T. S. Yeary, commissioners filed in the cause, May 4th, 1908, and was argued by counsel.

On consideration thereof, and the said report and plat being unexcepted to, it is adjudged, ordered and decreed, that the same be and are hereby confirmed. And pursuant to the said report, it is further adjudged, ordered and decreed that Mary J. Snodgrass, widow of Samuel Snodgrass, deceased, do take, and hold during her natural life, the lot or parcel of land laid off and assigned to her by said commissioners in said plat and report, as her dower interest in the tract of land in the bill and proceedings mentioned in this cause, containing 12.11 acres, more or less, according to the meets and bounds set forth and described in said plat and report;

And, that the defendant, Mac Miner, take and hold, in fee simple, the said tract or parcel of land in the bill and proceedings in this cause mentioned, according to the meets and bounds set forth and described in said plat and report, containing 43.75 acres, more or less; subject to the said widow's dower;

And, that the clerk of this court do record in the proper deed book in his office, the decree appointing the said commissioners, the said plat and report, and this decree;

And, that the defendant, Mac Miner, who, it appears, has, since the institution of this suit, purchased the interest of the

said plaintiff E. S. Cassell, in said tract of land, do pay to those entitled the costs of this suit. And nothing further remaining to be done in this cause, the same is ordered to be sricken from the docket.

Virginia Lee County, to-wit:

In the Clerk's office of Lee County, on this the 7th day of July, 1908, the foregoing decrees, Commissioners' report and plat, were presented, and admitted to record.

Teste: L. C. D. Ewing, Clerk.

E. L. Cassell.

vs

Deeree

Mac Miner et als.

Entered in C.B.
#8, page 380 &c.

3

Recorded in Deed
Book 47, page 259
Examined July 7, 1908.
Indexed.

Enter this decree.
H C W Simon
May 14" 1908.

E. S. CASSEL PLAINTIFF

IN CHANCERY

VS

MAC MINER & MARY J. SNODGRASS DEFENDANTS

.....

This cause came on to be heard upon the papers formerly read in the cause, and was argued by counsel.

On consideration thereof, and by agreement of the parties, it is adjudged, ordered and decreed that Mitchell Speaks, Therman Yeary, and Wm. Parkey, who are appointed commissioners for the purpose, do go upon the tract of land in the bill and proceedings in the cause mentioned, containing forty acres more or less, and adjoining the lands of B. W. McNeil, E. S. Cassel and Emmett Robinson, and the same land owned by Samuel Snodgrass ,deceased, at the time of his death, and lay off and assigned to the said Mary J. Snodgrass her dower interest in the said tract of land, being onethird thereof in rental value, said commissioners will then partition the said tract of land, subject to said dower, between the said E. S. Cassel and the said Mac Miner, giving to the said Cassel 7/24 thereof, and to the said Mac Miner 17/24 thereof, quantity, quality, ways water &c considered? And in making said partition the said commissioners will lay off and assign the said interests adjoining the other lands owned by said Cassel and Miner, respectively, if the same can be conveniently done. Said Commissioners will make a fair plat and report of their action and return the same to this court.

And the cause is continued.

Virginia: In the Clerk's office of Lee County, on this the 7th day of July, 1909. The foregoing decrees, commissioners report and plat were presented, and admitted to record.

Teste: _____, Clerk.

E. S. Cassel.

vs. Decree for Partition

Mac Minor et al.

Entered in O.B. #8,
page 341 —

Recorded in Deed
Book 47, page 257
Examined July 7, 1908.
Indexed.

Enter this decree.
H. D. W. Sluss
Dec'r 7 1907.

E. S. Kassel Plaintiff } In Chancery.
against
Mac Minor et als. Defendants }

On motion of the defendant Mary J. Lucas leave is granted her to file her demurrer and cross bill, and on motion of E. S. Kassel and Mac Minor leave is granted them to file their joint answer to said cross bill and the same was filed, and replications were entered to said answer. And the cause is continued.

O. B. Cancel.

583

Order

Mac Innis et al

Entered in O.B.

8, page 337

Entered this Order

H. A. W. Shaw

Sept 24th 1907.

Virginia,

At a Circuit Court begun and held for Lee County, at the Court-house thereof, on Monday, the 9th day of December, 1907.

E. S. Cassel, Plaintiff.

Vs. In Chancery

Mac Minor & Mary J. Snodgrass, Defendants.

This cause came on to be heard upon the papers formerly read in the cause, and was argued by counsel.

On consideration thereof, and by agreement of the parties, it is adjudged, ordered and decreed that Michell Speaks, Thurman Yeary and Wm Parkey, who are appointed Commissioners for the purpose, do go upon the tract of land in the bill and proceedings in the cause mentioned, containing forty acres more or less, and adjoining the lands of B. W. McNiel, E. S. Cassel and Emmet Robinson, and the same land owned by Samuel Snodgrass, deceased, at the time of his death, and lay off and assign to the said Mary J. Snodgrass her dower interest in the said tract of land, being one third thereof in rental value, said commissioners will then partition the said tract of land, subject to said dower, between the said E. S. Cassel and the said Mac Miner, giving to the said Cassel 7/24 thereof, and the said Mac Miner 17/24 thereof, quantity, quality ways water &c considered, and in making said partition the said commissioners will lay off and assign the said interests adjoining the other lands owned by said Cassel and Miner, respectively, if the same can be conveniently done. Said commissioners will make a fair plat and report of their action and return the same to this court.

A copy,

Teste: J. L. Ewing, Clerk.

$1.50

E. S. Cassel

Vs

Copy of Deed

Mc Minor + Mary J.

Isaac.

Copy for returns

Executed by serving

copy of the writ in

on Mitchel Isaac

Thurman years +

Wm Rorkey this Jan

the 8th 1908

W. J. Tucker S.L.C.

Commissioners Report.

E. S. Cassell, ... Plaintiff.

Vs. In Chancery

Mac. Miner & Mary J. Snodgrass, ... Defendants.

To the Hon. C. F. W. Dean, Judge of the Circuit Court of Lee County, Virginia:-

The undersigned who were, by a decree rendered by your Honor in the above styled cause, on the 9th. day of Dec. 1907, appointed Commissioners for the purpose, and directed to go upon the lands in the bill in said cause mentioned, it being the lands owned by Samuel Snodgrass decd. at the time of his death, and partition & lay off the same among those entitled thereto, beg leave to report as follows:-

That, pursuant to said decree, we did go upon the said lands above mentioned, on the 18th. day of March, 1908, (and subsequent days) and proceeded to survey the entire boundary, which is bounded as follows:- Beginning, at a chinquapin-oak (1 A.) on the south side of a public road; then, S. 45° E., 27 po. (1 A.), to three white-oaks, a corner to the tract of land conveyed to John Snodgrass by Stephen Thompson: Then with lines of said Snodgrass as follows: S. 7½ E., 20 po. (2 A.), to a stone: Then, S. 14½ E., 32 po. (3 A.) to a stone: then, S. 80½ W., 113 po. (4 A.) to

a stone: then, N. 26 8/10 W., 4 po., 9/4 15 lks. (5A.) to a stone on the north side of a public road: then, N. 75 3/4 E., 10 po., 9/4 17 lks., to a stone, (6A.) on the north side of said road by a bond; this corner was originally a small ash and cherry-tree:

Then, leaving the old lines, and with the meandurs of the road above mentioned as follows: N. 72 3/4 E., 40 po., 9/4 10 lks., (7A.) N. 15 3/4 E., 27 po., 9/4 13 lks., (8A.) N. 61 3/4 E., 14 po., 9/4 8 lks., (9A.) N. 78° E., 19 po. (10A.) Then, S. 85 1/2 E., 12 po., and 10 lks., to the "Beginning." (11A.) Containing 43.75 acres more or less.

Note: Degrees are corrected to date.

Dower: To Mary L. Snodgrass, widow of the said Samuel Snodgrass dec'd., we assigned one Third (in rental value) of the above described tract of land as her Dower.) in said land, and the said Dower is bounded as follows:

Beginning, at a dogwood-oak, (11A.) on the south side of a public road, the beginning corner of the main tract, Then with lines thereof as follows: S. 40° E. 27 po., to three white-oaks: (1A.) Then, S. 7 1/2 E., 20 po., to a stone; (2A.) Then, S. 14 1/2 E., 32 po., to a stone: (3A.) Then, S. 80 1/2 W., 20 po., to a stone; (1B) Then leaving lines of the main tract, N. 24 1/2 W. 78 po., and 15 lks., to a stone, (2B.) on the north side of the road near a bond: then along the road N. 78° E., 10 po., (10A.) Then, S. 85 1/2 E., 12 po., and 10 lks., to the "Beginning." (11A.)

Containing 12.11 acres more or less.

To, Mac. Miner we assigned the widow of

the tract of land first described. (Subject to the widows Dower)

We do this because we have been informed that the said Mac. Miner has purchased E. S. Bazzell's entire interest ($\frac{7}{14}$) in the said lands, since your Honor issued the above decree for the partitioning of the said land.

Reference is here made to the accompanying map or plat, showing the boundaries of the entire tract, as well as the boundaries of the widows Dower, as assigned to the parties entitled thereto, and the said map or plat is asked to be taken as part of this report.

All of which is respectfully submitted, this the day of 1908.

Signed,
M. M. Speak.
W. F. Parker
T. S. Geary.
(Commissioners)

Costs

Comm'rs.
M. M. Speak, $ 8.00 Paid by Mac. Miner.
Thurman Geary, $ 00
Wm Parker, $ .00
C. M. Geary, N. P. $ .50
Total $ 8.50

(over)

County of Lee }
State of Va. } to Wit,

Sworn and Subscribed to before a Notary Public. This the 11th day of 1908,

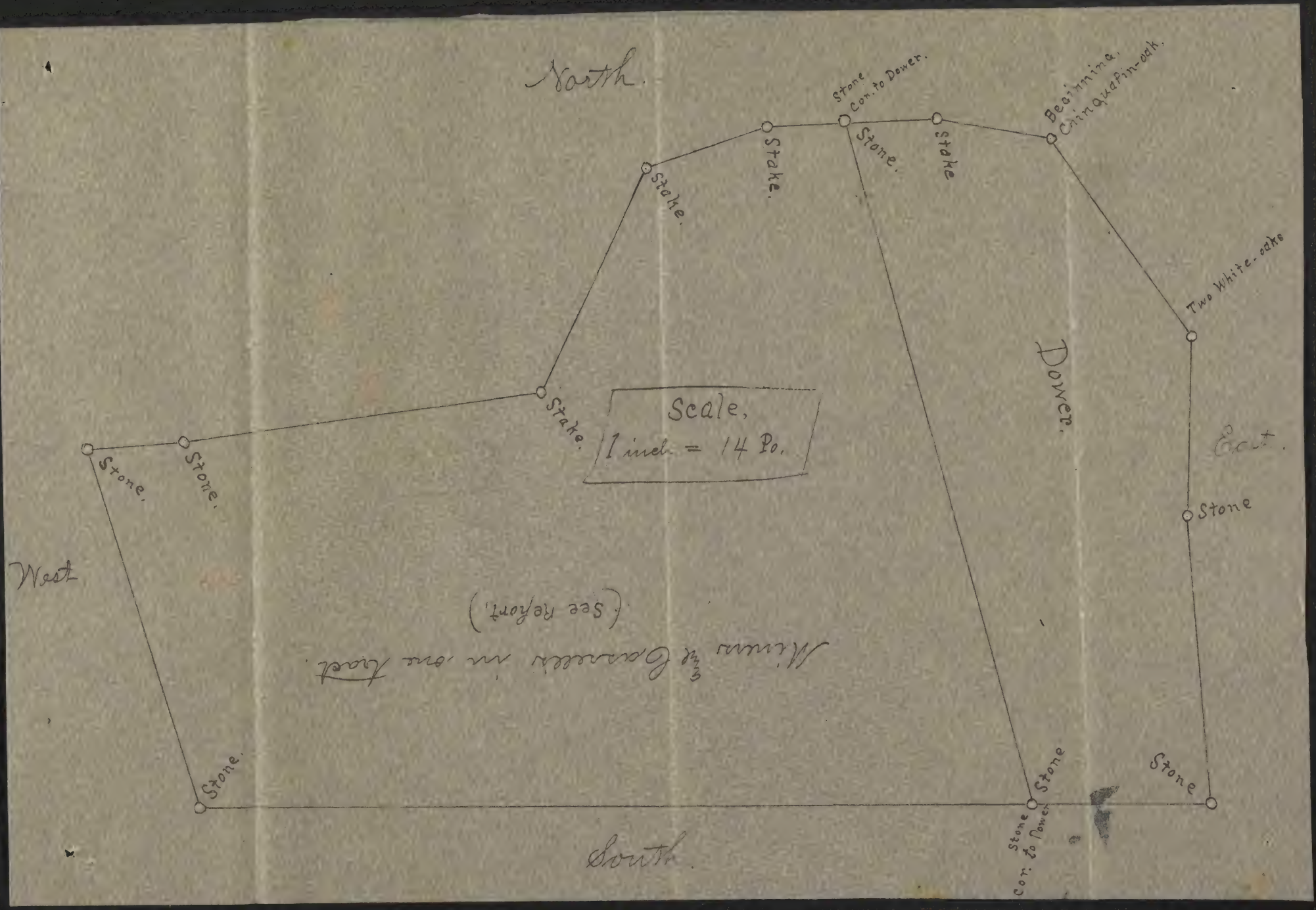
Oscar M. Geary, N.P.

My Commission Expires Feb. 18, 1911.

E. D. Cassel
vs; } Comrs. Report
Mc Minor, et als,

Filed May 4, 1908.
W. G. Ewing,
Clerk.

Recorded in Deed
Book 47, page 257
Examined July 7, 1908.
Examined


North.
Stone Cor. to Dower.
Beginning. Chinquapin-oak.
Stake.
Stone.
Stake.
Stake.
Stake.
Two White-oaks
Dower.
Scale, 1 inch = 14 Po.
East.
Stone
Stone.
Stone.
West
Stone.
Stone
Stone
Cor. Stone to Dower
South.

August 26 1907

Mr. Hall Jones.

Dear Sir you will please
Correct the mistake I made
in giving in the loud motor
it Like our eight being
one third

Yours Ed Bartlett

E. S. Cassel

Send copy as desired
to Natural Bridge at
~~Goochland Co. Va.~~
Rose Hill, Va.
Send it to E. S. Cassel
Jonesville Va.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU THAT YOU SUMMON James Snodgrass, Samuel Snodgrass, Emmett Snodgrass, Mary Snodgrass, William Welteh & Mack Minton

C. T. Duncan or his office at Jonesville, Va. 2nd

to appear before ~~the Judge of our Circuit Court of the~~ County of Lee, ~~at the court house~~ thereof, on the 2nd day of December 1907, to testify and the truth to say in behalf of the Plaintiff, in a certain matter of controversy in our said court before the said Judge depending and undetermined between E. S. Cassel, Plaintiff, and Mac Minor, et al, Defendents. And this They shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, H. C. T. EWING, Clerk of our said court, at the court-house the 26th day of November 1907, and in the ~~132~~ year of the Commonwealth.

H. C. T. Ewing, Clerk.

$1.20

E. S. Cassel

VS. } SUBPOENA FOR WITNESS

Mac. Minor, et al.

Office of C. P. Duncan, ~~Court~~.

the 2nd day of December

1907

Executed
the within
This the 26
1907
W B Shontz Sh

1.20
1.20
1.00

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Mac Minor and Mary J. Snodgrass

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the 1st Monday in September, 1907, to answer a bill in chancery exhibited against them by E. D. Cassel

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 19" day of August, 1907, and 132" year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

_____, Clerk

$1.00

E. L. Cassel

VS { SUBPŒNA IN CHANCERY

Mac Minor, et al,

Orr & Nordy, p. q.

To 1st Sept. Rules

Circuit Court

1907

Executed by Delivering a true copy of the within subpœna to Mac Minor and Mary J Snodgrass this aug 27 1907 C. C. Phipps D.S. for P.M. Ball L.E.